

March 3, 2004

Assistant Commissioner of Patents

Washington, DC 20231

PROTEST UNDER 37 CFR 1.291(a)

Re: **Advertisement** distribution method, data processing method, communication terminal apparatus, data communication system and information storage medium

US File # **20020046115**

Filed: September 6, 2001

Sirs:

Recently I found the above referenced patent filing and believe this filing has NOT issued in the U.S. The US File # is **20020046115**

I am voicing an objection as a concerned third party and as a U.S. Citizen. The patent application describes at great length an advertising delivery system using a database containing advertisements maintained at the client level in cache or on disk (0010) in a client-server ad delivery system.(0011) This patent relates to displaying advertising by matching voluntary user action such using voluntary user actions (0038). Comparing a trigger event with information stored in an advertisement "condition" database causes a relevant advertisement to be displayed. This is referred to as "pull" advertising as a voluntary action on the part of a user or software under the control of a user interacts with a pre-established database and a targeted ad is displayed. (Claim 3)

The abstract reads in part, "An intermediary agency enters into a contract with general users with respect to data distribution of an advertisement of goods, which was asked by advertisement clients, and the intermediary agency sets offer conditions of the advertisement of the goods and advertisement data in communication terminal apparatuses 14 of the general users. Since the advertisement data are offered in accordance with the offer conditions when the general users use these communication terminal apparatuses 14, the advertisement of the goods is offered to a number of general users as data with good efficiency."

Relevant Claims are 1, 2, 4, 11 and others in which the inventor refers to triggering and displaying ads stored at the client level. Descriptive paragraphs are (0010) (0012) (0038) (0063) (0072) and others.

I am objecting to this patent filing as it is neither novel nor unique. It is of particular note that prior art submitted does not include references to systems that were commercially offered in 2001. The filers are correct that a targeted system based on interactive actions is more accurate and excels in its ability to deliver "relevant" ads at the exact moment of interest. However, the filers did not include the following references:

1. US Patent 6,141,010 ... equivalent technology
2. Gator.com (recently changed to Claria.com) has been marketing such a system since 1998
3. WO9955066 (A1) or EP1076983 (A1) ... equivalent technology

There may be more prior art preceding the 9/6/2001 filing.

I believe the Examiner should look very closely at the Claim made and judge accordingly.

The screenshot shows the Esp@cenet website interface. The top navigation bar includes links for 'Esp@cenet document view', 'Esp@cenet', 'European Patent Office', and 'Esp@cenet'. The main content area displays the following information:

TELEPHONE CALL MANAGEMENT SOFTWARE AND INTERNET MARKETING METHOD

Bibliographic data:

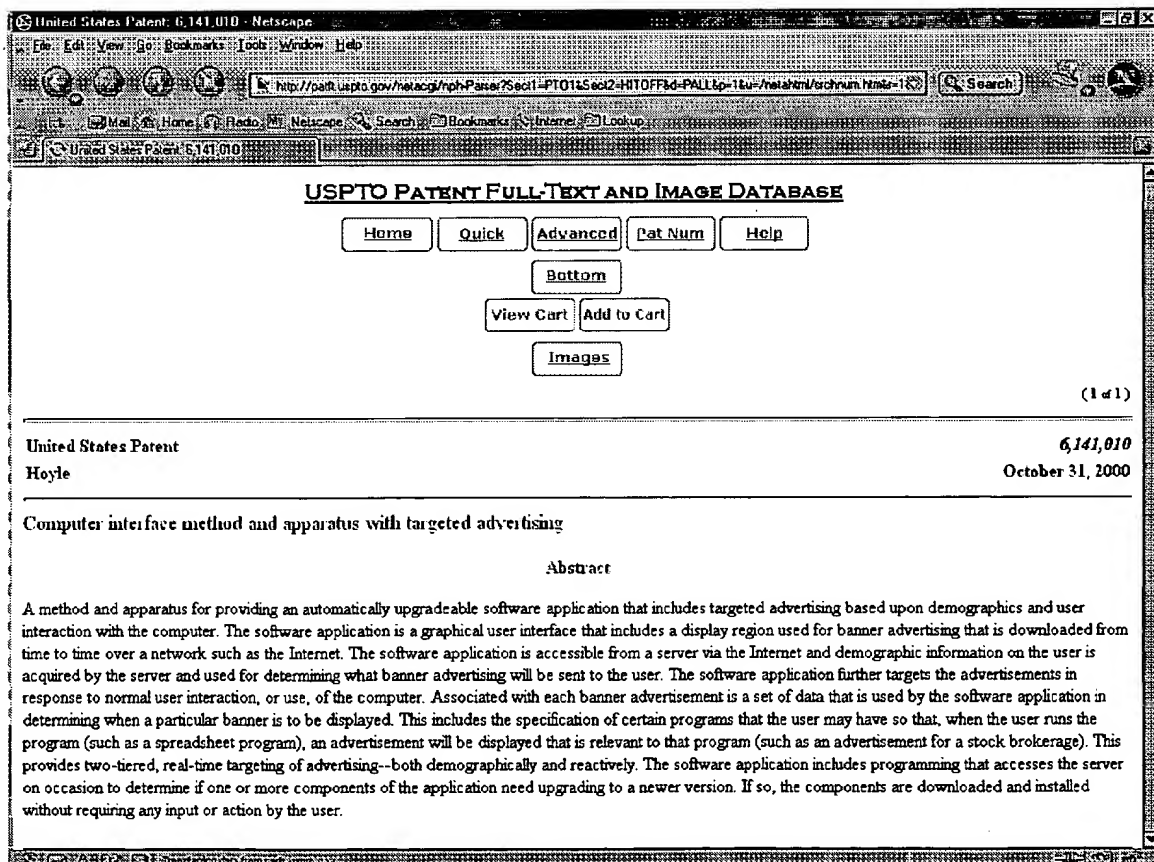
| Field | Value |
|---------------------|--|
| Patent number: | CA2328913 |
| Publication date: | 1999-10-28 |
| Inventor: | ZETMEIR KARLO (US) |
| Applicant: | ZETMEIR KARLO (US) |
| Classification: | H04G1/00 |
| International: | H04G1/00 |
| European: | H04G1/00 |
| Application number: | CA10062325013, 10000414 |
| Priority number(s): | US 10062325013, 10000414, WO 10062325013, 10000414 |

Also published as:

- WO9955066 (A1)
- EP1076983 (A1)

Abstract of CA2328913

A telephone call management computer program that provides both call management features and long distance savings for telephone consumers and marketing and advertising services for sponsor companies that wish to advertise to the consumer is disclosed. The call management program is initially stored on a host computer (12) and is then downloaded upon request to user computers (22) along with advertisement banners selected by the sponsor companies. When used, the program automatically front-loads a long distance carrier's PIC code in front of all long distance calls made from the user computers to permit consumers to automatically make long distance phone calls at discounted rates without memorizing numerous PIC codes and without continually shopping for the best long distance rate. The program also provides many enhanced telephone calling options and displays the banners and other advertising directly on the user computers (22) while the consumers use the program.



CLARIA - Corporate Overview - Overview - Netscape

File Edit View Go Bookmarks Tools Window Help

http://www.claria.com/companyinfo/ Search

Mail Home Radio Netscape Search Bookmarks Internet Lookup

CLARIA - Corporate Overview - Overview

CLARIA

CORPORATE OVERVIEW

- CORPORATE OVERVIEW
 - Overview
 - News Room
 - Management Team
 - Employment
- ADVERTISE
- PRODUCTS & SERVICES
- CONTACT US

Overview

■ Claria Corporation Overview

Claria Corporation is the leader in online behavioral marketing, serving over 38 million consumers and more than 900 Advertisers – including over 80 Fortune 1000 companies. Claria publishes advertising messages for top tier companies and agencies to consumers who are part of the GAIN Network, Claria's network of over 38 million consumers who agree to receive advertising based on their actual online behavior.

Unlike traditional demographic targeting, Claria's behavioral marketing model combines powerful insights into consumer behavior and the ability to deliver contextually targeted messages. The relevancy of the messages drives click-through and conversion rates up to 40 times higher than traditional banner ads – boosting campaign results to unprecedented levels. The difference is Claria's deep insights into consumer online behavior. Claria allows advertisers to target consumers based on their individual needs and interests resulting in industry leading ROI, not mass demographically targeted Web site populations.

In addition to its advertising network, Claria provides marketing research and business insights through its Feedback Research division. Feedback Research delivers in-depth analytics of consumer Web usage patterns across the entire Internet that cannot be attained via any other research provider. It also provides full service custom marketing research to Fortune 1000 clients. With exclusive access to the GAIN Network's 38 million consumers, Feedback Research surveys hard to reach consumers, based on their individual online behavior, quickly and cost-effectively.

■ History

Claria was founded in 1996 as The Gator Corporation to deliver the promise of one-to-one marketing on the Internet. The guiding vision was to develop a massive consumer audience by offering valuable web/software content for free in exchange for the right to show highly targeted advertising based on consumers' anonymous surfing behavior. Launched in June 1999, the Gator eWallet was the company's first free ad-supported software product, and it quickly grew to become the most popular product in its category.

By November 1999, Claria had revolutionized the online advertising industry by introducing its contextual and behavioral relevant online advertising model. This new advertising method resulted in unparalleled ROI for advertisers.

Claria headquarters are located in Redwood City, California, with U.S. offices in Los Angeles, Chicago, New York, Detroit, Austin, and International offices in the U.K. and Asia. Claria is backed by top-tier venture capitalists such as Greylock, Technology Crossover Ventures, U.S. Venture Partners, Investor AB and Crosslink Capital.